

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

BRIAN E. GRIFFIN,

Plaintiff,

16cv0021 Erie  
**ELECTRONICALLY FILED**

v.

LT. SETTNEK, OFFICER WOODS, and  
OFFICER MOORE,

Defendants.

**MEMORANDUM ORDER RELATED TO PLAINTIFF'S MOTION IN LIMINE  
DOC. NO. 83**

Before the Court is Plaintiff's Motion in Limine (doc. no. 83) seeking to exclude any evidence that Defendants may seek to introduce concerning Plaintiff's criminal history or his prison record and history.

Defendants filed a Response which expressed their agreement that Plaintiff's criminal history is not relevant to the trial of the instant matter. See doc. no. 87. Defendants also concur that Plaintiff's prison record or history – which Defendants define as Plaintiff's misconduct and disciplinary history in the DOC – is not relevant. Defendants further agree not to raise or offer evidence of Plaintiff's criminal history, nor Plaintiff's previous misconducts and disciplinary history in the DOC.

However, Defendants wish to introduce information relating to the misconduct Plaintiff received for "the assault incident at issue in this case," which caused Plaintiff to be escorted to the medical unit where Plaintiff alleges he was punched by Defendant(s). Defendants have indicated they want to use information concerning the earlier misconduct so as to demonstrate

what immediately precipitated Plaintiff's alleged attack in the medical unit, and potentially, for impeachment purposes.

Accordingly, this Court hereby GRANTS IN PART Plaintiff's Motion to preclude his prior criminal history and his prison record and history. The Court DENIES IN PART Plaintiff's Motion to the extent that it seeks to preclude the introduction of information relating to the misconduct Plaintiff received for the assault which triggered his escort to the medical unit where the incident at issue in this case took place. Information relating to the misconduct Plaintiff received immediately prior to his transport to the medical unit, will be permitted to be introduced as evidence in this case.

SO ORDERED, this 18<sup>th</sup> day of January, 2018.

s/ Arthur J. Schwab  
Arthur J. Schwab  
United States District Judge

cc: All counsel of record and

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